

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

FILED ELECTRONICALLY

- against -

AFFIDAVIT

RAFIQ SABIR,

05 Cr. 673 (LAP)

Defendant.

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RAFIQ SABIR., pursuant to Title 28, United States Code, section 1746, declares
under the penalties of perjury:

I am the defendant, RAFIQ SABIR, and I make this declaration in support of the
motion to suppress items seized from my home pursuant to a search warrant.

The affidavit of Brian Murphy (hereinafter Murphy affidavit) relied upon by the
court to issue the warrant to search Dr. Sabir's Florida residence contained deliberately
false information.

The Murphy affidavit at paragraph 20 presents excerpted conversations,
deliberately presented in a fashion to achieve the goals of obtaining the search warrant
rather than accurately reflecting what was actually said and by whom the statements were
made. In fact the details about utilizing my medical training to assist wounded Jihadists
apparently is based upon conversations between TARIK SHAH and U/C-1, primarily
U/C-1 telling Shah that "physicians with emergency room experience would be needed
for brothers in training who get hurt" (see paragraph 20(g)). The affidavit constantly

attempts to portray me as being the source of statements regarding my willingness to provide medical services to wounded Jihadists when in fact there is absolutely no conversation that is recorded or that even occurred involving me that corroborates this view. Any representation by TARIK SHAH or by the U/C-1 should have been clearly identified as such and was not.

The Murphy affidavit at Page 12 of the Murphy affidavit at Item 18 states that between January 4, 2005 and February 5, 2005 that there were over seventy (70) calls between myself and Tarik Shah. The Murphy affidavit did not even inform the court, in that paragraph in the indictment, that I was not even in America during that time period.

The Murphy affidavit at Page 23 paragraph 30 is a false statement. I did not stay with TARIK SHAH in New York upon returning from my contractual assignment in Saudi Arabia. This information according to the Murphy affidavit was provided by a confidential source referred to as CS-1, "According to CS-1, who relayed this information to me in or about May 2005, upon Sabir's return to the United States, Sabir was staying with TARIK IBN OSMAN SHAH a/k/a "Tarik Shah," a/k/a "Tarik Jenkins," a/k/a "Abu Musab," at SHAH's new apartment in the Bronx, i.e., the New York PREMISES." If any effort had been made to corroborate this information it would have been readily apparent that the informant's information was completely false. Upon my return from Saudi Arabia, I resided with my family in Florida, travel records, telephone records, credit card receipts and witness accounts can confirm this.

The Murphy affidavit at Page 25 paragraph 31 is false I never worked at a Saudi Military base, I worked at what is akin to a Veterans Administration hospital here in

America . This information was easy enough to have confirmed or verified prior to placing such information in an affidavit but no effort to do so was made.

The Murphy affidavit at Page 26 paragraph (i) is false. The purported conversation never occurred and is clearly not reflected in the conversations recorded on May 20, 2005 during the meeting between TARIK SHAH, U/C-1 and myself, which was tape recorded, and provided to the defendant as part of the discovery in this case.

The Murphy affidavit at Page 26 paragraph j is false. There is no recording that exists to support this recitation of events either.

The Murphy affidavit at Page 34 in the paragraph related to property to be seized, the seizure is based on the extensive martial arts training of Dr. Sabir. This information is not supported by any evidence. There is no recording of me talking about extensive martial arts training. There is no statement by myself that I intended to go to the mountains or to the Middle East for Jihad training. The Murphy affidavit contains allegations that I spoke about the recorded speeches of Bin Laden, this is patently false only TARIK SHAH engaged in those conversations not me. The Murphy affidavit asserts that I traveled to the Middle East for other reasons when the only reason I traveled to Saudi Arabia was to work on contract as a medical doctor and for no other reason. There were no trips to Pakistan or Afghanistan or anywhere else and I made no effort to hide my trips to Saudi Arabia which were purely for business purposes. The only military base I visited in Saudi Arabia was an American military base when I was on a scuba diving vacation with other Americans living in Saudi Arabia. This information also could have been verified by a check with the United States military however no such efforts were undertaken prior to

placing this information in the Murphy affidavit.

Dated: New York, New York
November 9, 2006

RAFIQ SABIR